

Probable Cause Statement

1. My name is Richard Upchurch. I am a Deputy with the United States Marshals Service. I have been so employed since 8/12/2003. I have a Bachelors of Science degree in Criminal Justice from Delta State University. I am a graduate of the Federal Law Enforcement Training Academy in Glynco, Georgia. I currently serve as the Sex Offender Investigations Coordinator for the Northern District of Mississippi.
2. This investigation was initiated after the United States Marshals Service in the Northern District of Mississippi received information from the Monroe County, Mississippi, Sheriff's Department indicating Ardale FOSTER, a non-compliant sex offender from Michigan, has been residing in Monroe County, Mississippi. The investigation revealed Ardale FOSTER, SSN# [REDACTED], DOB [REDACTED], a previously convicted sex offender from Michigan, with FBI# [REDACTED] last registered on 4/8/2015, in Detroit, Michigan.
3. On 11/26/2012, Ardale FOSTER was convicted in Michigan 6th Circuit Court, for Criminal Sexual Conduct 2nd Degree Assault.
4. On 12/3/2012, Ardale FOSTER signed a Michigan Sex Offender Registration and Explanation of Duties to Register as a Sex Offender Form. Included on the form were numerous instructions, including (6) I am required by law to report in person within three business days to a local law enforcement agency, sheriff's office, or Michigan State Police Post having jurisdiction over my residence, all of the following. (h) My new address prior to changing my residence to another state.
5. On 4/21/2014, Ardale FOSTER signed a Michigan Sex Offender Registration and Explanation of Duties to Register as a Sex Offender Form. Included on the form were numerous instructions, including (6) I am required by law to report in person within three business days to a local law

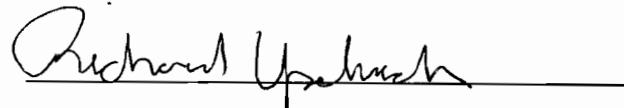
enforcement agency, sheriff's office, or Michigan State Police Post having jurisdiction over my residence, all of the following. (h) My new address prior to changing my residence to another state.

6. On 7/15/2014, Ardale FOSTER signed a Michigan Sex Offender Registration and Explanation of Duties to Register as a Sex Offender Form. Included on the form were numerous instructions, including (6) I am required by law to report in person within three business days to a local law enforcement agency, sheriff's office, or Michigan State Police Post having jurisdiction over my residence, all of the following. (h) My new address prior to changing my residence to another state.
7. On 11/19/2014, Ardale FOSTER signed a Michigan Sex Offender Registration and Explanation of Duties to Register as a Sex Offender Form. Included on the form were numerous instructions, including (6) I am required by law to report in person within three business days to a local law enforcement agency, sheriff's office, or Michigan State Police Post having jurisdiction over my residence, all of the following. (h) My new address prior to changing my residence to another state.
8. On 4/8/2015, Ardale FOSTER signed a Michigan Sex Offender Registration and Explanation of Duties to Register as a Sex Offender Form. Included on the form were numerous instructions, including (6) I am required by law to report in person within three business days to a local law enforcement agency, sheriff's office, or Michigan State Police Post having jurisdiction over my residence, all of the following. (h) My new address prior to changing my residence to another state.
9. On 7/20/2015, the Michigan Department of Corrections issued a warrant for Ardale FOSTER for violation of parole.

10. On 11/4/2015, Captain Brandon Davis with the Monroe County, Mississippi, Sheriff's Department contacted Senior Inspector Richard Upchurch and requested assistance investigating Ardale FOSTER for violation of the Adam Walsh Act. According to Captain Davis, FOSTER was arrested by the Monroe County Sheriff's Department in connection with a possible assault. Captain Davis stated Monroe County learned of FOSTER'S sex offender status through a criminal history check. Captain Davis stated FOSTER admitted to residing in Monroe County, Mississippi, since July 2015. Captain Davis stated FOSTER had not registered with the Monroe County Sheriff's Department.
11. On 11/6/2015, Senior Inspector Richard Upchurch spoke with Joyce Grant from the Mississippi Sex Offender Registry and learned Ardale FOSTER had not registered with the Mississippi Department of Public Safety as required by the Sex Offender Registration and Notification Act (SORNA).
12. On 11/9/2015, Senior Inspector Richard Upchurch, Inspector Jamaal Thompson, and Task Force Officer Penn Mills interviewed Ardale FOSTER at the Monroe County Jail. FOSTER was advised of his Miranda Rights by Senior Inspector Richard Upchurch. FOSTER signed a USM-309, Waiver of Rights Form. FOSTER stated he was originally convicted of a home invasion and a criminal sexual conduct case in Michigan, and that was the reason he had to register as a sex offender. FOSTER stated he left Michigan, because he was sick of being in a treatment program. FOSTER stated he got to Mississippi, on August 5, 2015, and had been staying with his godparents on [REDACTED] [REDACTED], Aberdeen, Mississippi. FOSTER stated he did not let Michigan know he was leaving. FOSTER stated he had talked to his godparents about the sex offender registration in Mississippi but thought it was different. FOSTER was shown a copy of a Michigan Sex Offender Registration Explanation of Duties to Register Form and verified his initials and signature were on the form. FOSTER was again asked if he notified Michigan or Mississippi of his change in sex offender status and FOSTER stated he just went on the run because he was sick of being in Michigan.

13. On 11/9/2015, Senior Inspector Richard Upchurch, Inspector Jamaal Thompson, and Task Force Officer Penn Mills interviewed Shantae Gilleyan of Dan Taylor Road, Aberdeen, Mississippi. Gilleyan stated Ardale FOSTER came to Mississippi, from Michigan, on a bus in either August or September 2015. Gilleyan stated FOSTER had been living at [REDACTED], Aberdeen, Mississippi, since his arrival and until he was taken into custody by Monroe County on 11/4/2015, for allegedly beating a woman and trying to rape her. Gilleyan stated she and her family knew FOSTER was on probation in Michigan but did not find out about the Criminal Sexual Conduct conviction until after FOSTER was in Mississippi. Gilleyan stated after finding out about FOSTER'S status as a sex offender, they bought him a bus ticket and told him he had to go but FOSTER got picked up by Monroe County before he had a chance to leave.

14. Based on the facts and information presented above, I respectfully request an arrest warrant to be issued for failure to register as a sex offender in violation of 18 USC 2250.



Richard Upchurch
Deputy United States Marshal
United States Marshals Service

Sworn before me and signed in my presence this, the 10 day of Nov, 2015.



Jamaal Thompson
United States Magistrate Judge